



MEMORANDUM

TO: Parks and Recreation Board

FROM: Michael J. Heitz, AIA, Director
Parks and Recreation Department

DATE: October 4, 1993

SUBJECT: Williamson County Park Tract

In 1987, the state legislature passed Senate Bill 52 (Attachment A), which authorizes the sale of land from two agencies (MHMR and Texas Department of Corrections) to the Texas Highway Department. A provision of the bill requires the Highway Department to transfer 50 acres out of one 790-acre tract located in Williamson County (as shown on Attachment B) to the State's Parks and Wildlife Department.

As a condition of the transfer, Williamson County is required to maintain and use the 50 acres as a park. Also required is agreement (by the city having jurisdiction) that the park land will be used to satisfy "any offset or greenbelt requirements" that may be imposed on a subsequent purchaser developing any part of the 790-acre tract. If there is no agreement regarding the transfer, the property reverts to the Highway Department.

The two tracts are located within the City of Austin's extraterritorial jurisdiction, and therefore would be subject to the City's Land Development Code (Section 13-2-450) requiring developers of residential lands to dedicate parkland to the City to serve their new developments. Since Senate Bill 52 requires the City to agree that the 50-acre tract may be used to satisfy any "offset or greenbelt requirements" of a developer of the 790-acre tract, the City's agreement would foreclose any other City dedication requirement of parkland to the City.

The Highway Department and Williamson County both desire that the 50-acre tract meet the provisions of Senate Bill 52 and be operated as a park. PARD inspected the 50-acre site and found it suitable for use as a public park. As a matter of fact, it is already developed as a park and has been used as such by MHMR for years.

Parks and Recreation Board
Williamson County Park Tract
October 4, 1993
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PARD estimates that the 50-acre park should satisfy the parkland dedication requirements for a tract comparable in size, location and configuration to the 790-acre tract developed under the normal subdivision process, particularly when the value of the park's developed state is considered. However, approval of the transfer means the City agrees to the 50-acre park even if the residential build-out might ultimately generate more parkland for the 790-acre tract.

The City's approval of the transfer will result in the City having no ownership or control over the park, as is usually the case when property is dedicated to the City under standard Land Development Code subdivision practice. The City will also have no responsibility for maintenance. However, approval of the Senate Bill 52 provisions will result in a good park site to serve residents of the surrounding area when it develops residentially.

RECOMMENDATION

I recommend agreement with the provisions of Senate Bill 52, thereby allowing the 50-acre park to satisfy, in advance, all parkland requirements of the 790-acre tract.



Michael J. Heitz, AIA, Director
Parks and Recreation Department

Attachments



D-15
cc: LEC

BJM

JPS

The State of Texas

SECRETARY OF STATE

I, JACK M. RAINS, Secretary of State of the State of Texas, DO HEREBY CERTIFY that the attached is a TRUE AND CORRECT copy of Senate Bill 52, passed by the 70th Legislature, Second Called Session, 1987, as signed by the Governor on July 21, 1987, and as filed in this office on July 21, 1987.

RECEIVED

JUL 30 1987

D-15



IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused to be impressed hereon the Seal of State at my office in the City of Austin, this

23rd day of July, A. D. 1987

Jack M. Rains

Secretary of State

AN ACT

relating to the sale of certain state-owned property to the State Department of Highways and Public Transportation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. CONVEYANCE OF PROPERTY. (a) On behalf of the state, the Texas Board of Mental Health and Mental Retardation and the Texas Department of Corrections shall sell to the State Department of Highways and Public Transportation the tracts of state-owned land that are described by Section 2 of this Act for a total amount of \$120.6 million.

(b) Before August 31, 1988, the State Department of Highways and Public Transportation shall purchase the land for a total amount of \$120.6 million. All the land that qualifies for the expenditure of constitutionally dedicated funds shall be purchased from the constitutionally dedicated portion of the state highway fund. The remainder shall be purchased from the statutorily dedicated portion of the state highway fund.

SECTION 2. PROPERTY DESCRIPTION. (a) The Texas Department of Mental Health and Mental Retardation property to be sold as provided by Section 1 of this Act consists of approximately:

(1) 75.668 acres of land, more or less, out of the George W. Spear League in Travis County, Texas, and being a portion of a tract of land described in Volume 76, Page 225 of the Deed Records of Travis County, Texas; and

(2) 789.508 acres of land, more or less, out of the Rachael

Saul League Abstract No. 551 and out of the Samuel Damon League Abstract No. 170 in Williamson County, Texas, and being a portion of tracts of land described in Volume 311, Page 551, Volume 328, Page 548, and in Volume 328, Page 550 of the Deed Records of Williamson County, Texas.

(b) The Texas Department of Corrections property to be sold as provided by Section 1 of this Act consists of approximately 5,786 acres of land, more or less, in Fort Bend County, Texas, consisting of 14 tracts of land out of the Central and Jester Units being located and described as follows:

<u>TRACT</u>	<u>ACRES</u>	<u>LOCATION</u>
1	169.000	At the corner of Voss Road and Texas Highway Number 6
2	229.480	Across Texas Highway Number 6 east from Hull Field
3	147.880	East of Texas Highway Number 6, south of Oyster Creek and west fronting on Burney Road
4	47.976	West side of Texas Highway Number 6 adjoining Hull Airport property
5	65.710	At the southeast corner of Texas Highway Number 6 and U.S. Highway 90-A
6	389.137	Southwest corner of U.S. Highway 90-A and Texas Highway Number 6
7	282.759	Northeast corner of Flanigan Road and U.S. Highway 59; 1.3 miles southwest of intersection of Texas Highway Number 6
8	1107.000	Approximately 1.3 miles southwest of the Texas Highway Number 6/U.S. Highway 59 Interchange on the south side of U.S. Highway 59.

1			Tract- abuts west city limits of
2			Sugar Land
3	9	960.718	Fronts both U.S. Highway 90-A on
4			the north near Texas Highway
5			Number 6, U.S. Highway 59 on the
6			south, and Flanigan Road on the
7			east
8	10	312.000	Immediately west to TDC Prison
9			Main Compound fronting along north
10			of Southern Pacific Railroad
11			right-of-way
12	11	1106.525	Southwest corner of F.M. 1464 and
13			Madden Road
14	12	533.083	One mile west of F.M. 1464 on the
15			south side of Madden Road and the
16			east side of Harlem Road
17	13	413.311	Northeast corner of Mortin Road
18			and Harlem Road two miles west of
19			F.M. 1464
20	14	22.320	Northeast corner of Fort Bend
21			County inside Houston city limits
22			on F.M. 2234 (McHard Road)

SECTION 3. PROCEEDS. The proceeds from the sale of the property required by Section 1 of this Act shall be deposited in the State Treasury to the credit of the General Revenue Fund, except that \$200,000 of the proceeds from the sale of the tract described by Subdivision (1) of Subsection (a) of Section 2 of this Act shall be deposited to the credit of a special account in the General Revenue Fund that may be used only by the State Employee Incentive Commission for administration of the state employee incentive program, and that money is appropriated to the commission for that purpose.

SECTION 4. LEASE OR DISPOSAL. (a) The State Highway and

Public Transportation Commission may lease all or part of the property acquired under this Act.

(b) On request by the governing body of the appropriate agency, the State Highway and Public Transportation Commission shall lease for \$1 a year for a term expiring not later than August 31, 1991, any portion of the land described by Subsection (a) of Section 2 of this Act to the Texas Department of Mental Health and Mental Retardation and any portion of the land described by Subsection (b) of Section 2 of this Act to the Texas Department of Corrections, if the land is determined by the commission and the appropriate agency's governing body to be essential to the continuation of the agency's operations. The Legislative Budget Board shall resolve any disputes under this subsection between the commission and an agency's governing body. The commission may not sell any of the land before the leases required by this subsection are executed and may not sell land while it is leased under this subsection.

(c) Any disposal of any of the property acquired under this Act shall be subject to and in accordance with the procedures for disposal of surplus land acquired for highway purposes, as provided by Chapter 99, General Laws, Acts of the 42nd Legislature, Regular Session, 1931 (Article 6673a, Vernon's Texas Civil Statutes).

(d) Proceeds from the lease or sale of the property acquired under this Act shall be deposited to the credit of the state highway fund.

(e) Notwithstanding any other provision of this Act, 50

1 acres, as designated by the State Department of Highways and Public
2 Transportation, in the northwest corner of the tract described by
3 Subdivision (2) of Subsection (a) of Section 2 of this Act shall be
4 transferred to the Texas Parks and Wildlife Department, which shall
5 hold the property as park land to be maintained and operated by
6 Williamson County. Unless the governing bodies of the appropriate
7 city or cities and county having jurisdiction of the land subject
8 to this subsection agree within six months of the date of the
9 transfer that the park land may be used to satisfy any offset or
10 greenbelt requirements of a subsequent purchaser of any of the
11 remainder of the tract described by Subdivision (2) of Subsection
12 (a) of Section 2 of this Act, that park land reverts to the State
13 Department of Highways and Public Transportation. The park land
14 also reverts to the department if for any reason it is no longer
15 used as a park.

16 SECTION 5. EMERGENCY. The importance of this legislation
17 and the crowded condition of the calendars in both houses create an
18 emergency and an imperative public necessity that the
19 constitutional rule requiring bills to be read on three several
20 days in each house be suspended, and this rule is hereby suspended,
21 and that this Act take effect and be in force from and after its
22 passage, and it is so enacted.

(Charles murray 483-3750)

8
11

Resolution from
Bill Harbo
County
Comp

granted request of the Senate; July 21, 1987, Senate adopted Conference Committee Report by the following vote: Yeas 30, Nays 1; passed subject to provisions of Article III, Section 49a of the Constitution of Texas.

Butt King

Secretary of the Senate

I hereby certify that S.B. No. 52 passed the House, with amendments, on July 18, 1987, by the following vote: Yeas 134, Nays 3, one present not voting; July 20, 1987, House granted request of the Senate for appointment of Conference Committee; July 21, 1987, House adopted Conference Committee Report by the following vote: Yeas 128, Nays 11; passed subject to the provisions of Article III, Section 49a of the Constitution of Texas.

Doty Murray
Chief Clerk of the House

Approved:

7-21-87

Date

H. P. Clement
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:55 (A.M.) 0'CLOCK

JUL 21 1987

Ann M. R.
Secretary of State

I, Bob Bullock, Comptroller of Public Accounts, do hereby certify that the amounts appropriated in the herein S.B. No. 52, 2nd Called Session, 70th Legislature, are within the amount estimated to be available in the affected fund.

Certified July 21, 1987.

Bob Bullock
Comptroller of Public Accounts

SAVE AND EXCEPT that certain 50 acres
to be transferred to the Texas Department
of Parks and Wildlife pursuant to S.B.
said 50 acres to be defined by the
Department.

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PLOT PLAN
LEANDER REHABILITATION CENTER
DCT-1, NO. 633

Exhibit "A"

ATTACHMENT B

This map, titled "ATTACHMENT B", shows the Cedar Park area. A north arrow is in the top right corner. The map includes a grid of streets and highways. Key features include:

- Cedar Park**: Labeled in the upper left quadrant.
- Location of 50-acre park**: Indicated by a thick black outline in the center-right area, near the intersection of Highway 174 and Highway 183.
- Approximate boundaries of 790-acre tract**: Indicated by a thick black outline in the lower-left area, near the intersection of Highway 174 and Highway 183.
- Geographical Features**: Cluck Creek, Buttercup Creek, and the Leander Youth League Field are labeled.
- Other Labels**: "Jollyville" is labeled in the bottom right. "BALCONES COUNTRY CLUB (PRIVATE)" is labeled in the bottom center.
- Highways**: Highway 174, Highway 183, and Highway 278 are shown.
- Compass Rose**: A compass rose is located in the bottom left corner.

Approximate boundaries of 790-acre tract



MEMORANDUM

TO: Parks and Recreation Board

FROM: Michael J. Heitz, AIA, Director
Parks and Recreation Department

DATE: October 4, 1993

SUBJECT: Hidden Valley Subdivision, Community Boat Dock

The Hidden Valley Subdivision is located on Lake Austin below Mansfield Dam. During the extensive releases of water from Lake Travis following the heavy rains of December 1991, the community boat dock and pier was washed away; see the attached photographs.

During 1992, the Homeowners Association decided to replace the structure and sought advice from the LCRA who, incorrectly, told them that the community boat dock could be replaced as it was before. The Homeowners Association proceeded with the construction and replaced the facility using utility poles donated by the City Electric Utility treated with creosote.

It was not until a City Environmental inspector red-tagged the construction for using creosote treated poles that the Association was aware that any City approvals were necessary or that creosote was not permitted for timber treatment.

Because the new construction exactly replaced that existing before the flood, a site development permit from the City's Planning and Development Department was not necessary. However, concern was expressed regarding the use of the creosote-treated poles.

As you will note from the attached memorandum from the Electric Utility, it is their opinion that the quantity of creosote remaining in poles that have been in service for five years is so low that they are not reused for service as utility poles.

All treated timber has a "birthmark" that indicates what year the pole was treated. The poles used for this construction are marked with the year 1966.

Parks and Recreation Board
Hidden Valley Homeowners Association
October 4, 1993
Page 2

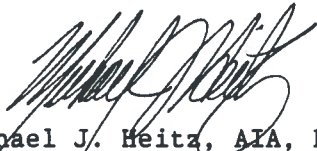
From this information it can be assumed that the quantity of creosote remaining in the timber is minimal and that leaching of the creosote into the water 27 years after treatment would be non-existent.

Recommendation:

I recommend that approval be given to the use of these creosoted timber utility poles because of the following:

1. The dock is completed and was reconstructed in its original location with timber materials similar to those originally used.
2. Information given to the Homeowners Association by the LCRA at the time the dock was to be reconstructed was incorrect.
3. Information from the City's Electric Utility indicates that used creosoted timber utility poles have a minimal quantity of creosote in them after five years. The poles used were treated in 1966.

If I can provide you with any additional information, please contact me.



Michael J. Heitz, AIA, Director
Parks and Recreation Department

MH:PM



City of Austin

Founded by Congress, Republic of Texas, 1839

Municipal Building, Eighth at Colorado, P.O. Box 1088, Austin, Texas 78767 Telephone 512/499-2000

June 16, 1993

David Keiser
13918 Hummingbird lane
Austin, Texas 78732

RE: Treated Poles Purchased From the City of Austin Electric Utility

Mr. Keiser

As per your request, this is information about treated poles formerly owned by this Utility. You will find attached, copies of the following:

- The Electric Utility Department's (EUD) Specification E-668, dated 12/21/72 and revised 1/3/79. This is the oldest version of this specification I was able to find. This specification covers the purchase of treated wood poles for the EUD.
- The American National Standard Institute's (ANSI) 05.1 Specifications and Dimensions for Wood Poles.
- The American Wood-Preservers' Association (AWPA) Standard P1/13, which covers the creosote treatment used by the EUD. AWPA Standards M1 and C4 which also cover areas pertaining to purchase of treated wood products.

These are the major specifications used as guidelines by the EUD for the purchase of treated wood poles. As you will find by reviewing these specifications, the EUD purchases only poles treated with number one (#1) grade creosote. You will also find that the "birthmark", branded on the pole, will tell you what year the pole was treated.

As we discussed on the phone, it has been my experience that most leaching and evaporation of preservative will occur in the first five years after treatment. As examples of this; new poles which lay in stock more than twelve (12) months must be turned to avoid loss of creosote on the "high" side of the pole. Also, we will not re-use any poles which have been in service beyond five years, because the amount of creosote remaining in the wood is not enough to effectively protect it from decay.

I hope you will find this information useful and if further information is needed, please contact me at 322-6449.

Jerry Fasel, Section Supervisor
Overhead Inspection and Contract Management
Electric Utility



MEMORANDUM

TO: Parks and Recreation Board

FROM: Michael J. Heitz, AIA, Director
Parks and Recreation Department

DATE: October 4, 1993

SUBJECT: Construction of single slip boat dock, at 607 River Road
File # SP-93-0426DS

A request has been received from Berger Brandon to construct a single slip boat dock with deck over at 607 River Road.

Parks and Recreation Department staff have reviewed the project and the site plans meet the requirements of Article VI, Division 4, Part E (Requirements for the Construction Of Boat Docks) of the Land Development Code (including all amendments) with the exception that navigation lighting should be indicated to be constructed to City Code which will provide for all Code requirements to be met.

Recommendation

I recommend approval of the request to construct a single slip boat dock with deck over at 607 River Road, in accordance with Site Plan # SP-93-0426DS, subject to the following:

1. Navigation lighting shown on the drawing to be marked as being constructed in accordance with City Code.
2. The applicant be made aware that this boat dock situated in the upper reaches of Lake Austin is subject to inundation during releases of water from Lake Travis which can result in damage or loss of the boat dock and any watercraft stored in it.

If I can provide you with any additional information, please contact me.


Michael J. Heitz, AIA, Director
Parks and Recreation Department

TO: COMMENT DUE DATE: 28-SEP-1993
 FROM: SITE PLAN REVIEW DIVISION/PLANNING DEPT
 SUBJECT: DEVELOPMENT PERMIT ONLY SP-93-0426DS

PROJECT: BERGER BOAT DOCK

607 RIVER RD

CASE MANAGER: OSKOUIPOUR, JAVAD 499-2639

APPLICATION DATE: 20-SEP-1993

ZIP: FULL PURPOSE
 WATERSHED: Lake Austin RURAL WATER SUPPLY

OWNER: BERGER, BRANDON (512)441-9153
 7205 TWISTED OAKS AUSTIN, TX 78745

CONTACT: BRANDON BERGER

AGENT: BERGER, BRANDON (512)444-9153
 7205 TWISTED OAKS TRAIL AUSTIN, TX 78745
 CONTACT: BRANDON

SITE PLAN AREA: 0.011 ACRES (499 SQ FT)
 UTILITY OR STORM SEWER LENGTH: 0 LINEAR FEET

EXISTING ZONING:
 EXISTING USE:

TRACT	ACRES/SQ FT	PROPOSED USE
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RELATED CASE NUMBERS (IF ANY):

OTHER PROVISIONS:

QUALIFIES AS A SMALL PROJECT
 TIA IS NOT REQUIRED
 FEE RECEIPT #: 1324807

SUBD NAME: HORSESHOE BEND
 BLOCK/LOT: LOT 17
 PLAT BOOK/PAGE: BOOK 7, PAGE 147

PARCEL #:

VARIANCES/WAIVERS, BONUSES:

SUMMARY LETTER

September 21, 1993

City of Austin
Department of Planning and Development / PARD

Re: Small Project: Boat Dock for Brandon and Patricia Berger
Lot 17, HORSESHOE BEND ESTATES, Book 7, Page 147, of the Plat Records of Travis
County, Texas.
607 River Road, Austin, Texas

To whom it may concern:

The following is a description of the proposed development:

- ~ Watershed is located in Lake Austin.
- ~ Type of development is a single stall boat dock for private use.
- ~ No dry land will be gained or affected by building this project.
- ~ There will be no effect on the natural and traditional character of the land and waterways. Existing waterway has boat docks on same side and close to proposed site.

Respectfully submitted,



Brandon F. Berger
7205 Twisted Oaks
Austin, Texas 78745
(512) 444-9153

TO: Parks & Recreation Board
FROM: Phil Friday
RE: BCCP Land Management Expenditures
DATE: September 29, 1993

It was suggested to me after our last meeting that we should go one step further regarding BCCP land management expenditures. We should consider recommending to Council that the City keep half of the BCCP land management revenues for the BCCP preserves the City will be managing. And we should also consider recommending that of the half which the City keeps, half of that should be devoted to public use purposes.

The objective is to let the BCCP revenue pay for both habitat management and public use management. If this is not spelled out in the BCCPlan, it is likely that public use management will have to be financed out of the City's General Fund.

Texas Parks & Wildlife Department has already made it clear that they will "be held responsible only for management actions necessary to meet the biological requirements of the 10A Permit on lands acquired for that purpose." (Quoted from TPWD Management Proposal for the Balcones Canyonland Conservation Plan, August, 1993.) Hence, TPWD cannot be counted upon to spend money to promote public use in the preserves which they are managing.

This underscores the importance of keeping a portion of our BCCP dollars "at home"; and of dedicating a portion of those dollars for public use management.

I would welcome your thoughts and comments before the meeting, or at the meeting.

PARKS AND RECREATION BOARD
OF THE CITY OF AUSTIN

Resolution

BCCP Land Management Expenditures

WHEREAS the Balcones Canyonlands Conservation Plan ("BCCP") contemplates that the City of Austin will designate a portion of its park land to be included within the BCCP Preserve; and

WHEREAS the City of Austin will be obliged to manage that portion of its park land in accordance with BCCP Land Management Guidelines; but

WHEREAS the BCCP Land Management Guidelines contemplate that "the preserve will offer increased public access and recreational opportunities within the Austin/Travis County area;" and

WHEREAS the City of Austin will be collecting various revenues under the BCCP;

NOW, THEREFORE, BE IT RESOLVED that the Parks and Recreation Board recommends to the City Council that the City of Austin reserve to itself in the BCCP Plan the following rights:

1. Each Dollar of revenue generated and received by the City of Austin for management purposes should be divided equally between the Austin Parks & Recreation Department and the Texas Parks & Wildlife Department; and

2. Of each Dollar of revenue allocated to the Austin Parks & Recreation Department, Fifty Cents should be allocated for public use management purposes, and Fifty Cents for biological management purposes; and

3. In no event should the City of Austin be liable to pay management fees to the Texas Parks & Wildlife Department in excess of one-half of the revenue generated and received by the City of Austin for management purposes under the BCCP Plan.

(This Resolution supersedes this Board's Resolution September 28, 1993, dealing with the City's liability to Texas Parks & Wildlife for management expenses.)

ADOPTED October 12, 1993, by a vote of _____.

PARKS AND RECREATION BOARD OF THE CITY OF AUSTIN



M E M O R A N D U M

TO: Parks and Recreation Board

FROM: Michael J. Heitz, AIA, Director
Parks and Recreation Department

DATE: October 5, 1993

SUBJECT: Proposed Cemetery Fee Increases

This is to advise you that an item will be presented to City Council October 21, 1993 which will recommend increasing fees for purchase of burial spaces and related services at the City-owned cemeteries.

On August 16, 1990 Council approved a contract with InterCare Corporation for the management, maintenance and operation of its five City cemeteries. An annual fee increase of at least equal to the Austin Consumer Price Index (CPI) will be requested in future budgets to keep pace with CPI increases required in the InterCare Corporation contract.

The contract with InterCare Corporation is designed to provide a self-funded program for the operation and maintenance of City cemeteries in perpetuity. The contract further stipulates an annual payment to the contractor for this service. If approved by Council, this fee increase will continue to eliminate the need to subsidize the contract payment from the Perpetual Care Trust Fund for 93-94.

The increase will also bring the City-owned cemeteries more in line with privately-owned cemeteries in Austin.


Michael J. Heitz, AIA, Director
Parks and Recreation Department

PARKS AND RECREATION BOARD
LAND AND FACILITIES COMMITTEE

October 12, 1993
5:30 p.m.

The following items are on the Parks and Recreation Board agenda for consideration and have been referred to the Land and Facilities Committee for consideration:

- SEC
- pulled -
- SC
1. Make recommendation to Council regarding approval of request by Williamson County for transfer of parkland.
 2. Make recommendation to Council regarding proposed location for Austin Children's Museum.
 3. Make recommendation to Council regarding the placement of the fence around the Zilker Botanical Gardens.